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Technology Center 2100

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In re Application of: Krueger)
Application No. 09/639,385) DECISION ON PETITION TO
Attorney Docket No. 5437-015CIP) WITHDRAW HOLDING OF
Filed: August 14, 2000) ABANDONMENT UNDER 37 CFR
For: APPARATUS, METHODS, AND) §1.181
COMPUTER PROGRAM PRODUCTS FOR)
FILTERING INFORMATION)

This is a decision on the petition to withdraw the holding of abandonment, under 37 CFR §1.181, filed on March 1, 2005.

The Petition is **DISMISSED**.

This application was held abandoned for failure to file a timely response to the office action mailed November 19, 2003. A Notice of Abandonment was mailed on 7/13/04.

In the absence of any apparent irregularity associated with the mailing of an Office communication, the Office presumes that the communication was properly mailed to the address of record. The presumption may be overcome by showing that the Office communication was not received.

The relevant portion of MPEP 711.03 (c) states:

- 1) a statement from practitioner that the Office action was not received;
- 2) **a statement from practitioner that the file jacket and docket records were searched;**
- 3) **a copy of the docket record at the address of record; and**
- 4) **a reference to the docket record in the practitioner's statement**

In support of the petition, petitioner asserts that the Office action of November 19, 2003 was not received. Applicant provides a copy of a Power of Attorney (POA) alleged to have been received in the patent office on April 8, 2003 as evidence of communication sent to the PTO. However, there is no record of the filing of the Power of Attorney or change of address in the instant application.

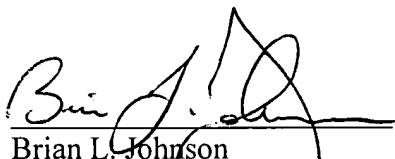
Unless the correspondence address is designated as the address associated with a Customer Number, a separate notification must be filed in each application for which a person is intended to receive communications from the Office. See MPEP § 403 for

Customer Number Practice. In those instances where a change in the correspondence address of a registered attorney or agent is necessary in a plurality of applications, the notification filed in each application may be a reproduction of a properly executed, original notification. The original notice may either be sent to the Office of Enrollment and Discipline as notification to the Attorney's Roster of the change of address, or may be retained by applicant. See MPEP § 502.02.

The petition fails to fully comply with requirements 2-4 set forth above. The evidence submitted has not overcome the presumption of receipt.

The copy of the docket record where the non-received Office communication would have been entered had it been received and docketed, must be attached to and referenced in practitioner's statement. The docket record identified above is also required to be a docket record showing all actions due by the entire firm at and around the due date for response, not counting any possible extensions of time. The attorney must also have been at the address of record at the time the action was mailed or have filed a timely Change of Correspondence address.

The petition is **DISMISSED**. No further communications to the below address will occur without a proper Power of attorney and change of address of record filed in the instant application. If petitioner desires further review of this decision, petitioner should file a Request for Reconsideration within two (2) months of the mailing date of this decision. Telephone inquiries should be directed to the undersigned at (571) 272-3595.



Brian L. Johnson
Special Programs Examiner
Technology Center 2100
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AWK: 8/12/05

Cc:

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